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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,828	10/25/2001	William Morgan	29250/CE08491R	3192

29978 7590 04/14/2005

MARSHALL, GERSTEIN & BORUN (MOTOROLA)  
233 SOUTH WACKER DRIVE  
SUITE 6300  
CHICAGO, IL 60606-6402

EXAMINER

NGUYEN, HUY D

ART UNIT PAPER NUMBER

2681

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/052,828

Applicant(s)

MORGAN ET AL.

Examiner

Huy D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-20 and 22-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-20,22,23 and 25-37 is/are rejected.
- 7) ☒ Claim(s) 6 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/12/2004 have been fully considered but they are not persuasive.

In response to the applicants' argument in the remarks, the examiner states that "terminate" and "trigger event" are broadly claimed and can be interpreted in several different ways. "Terminate transmission" could mean stop transmission or direct a phone call to its destination? And "trigger event" could be dial a number, hang up a call...So "terminating a transmission in response to a trigger event" could be direct a phone call to a called party when a calling party dials the number of the called party.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 2, 4-6 recites the limitation "wherein controlling transmission". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-2, 4-5, 11-16, 19-20, 22-23, 29-35 are rejected under 35 U.S.C. 102(a) as being anticipated by the Applicant's admitted prior art.

Regarding claims 1, 11, 19, 29-30, the Applicant's admitted prior art discloses in a wireless communication system, the communication system providing communication service to a mobile station, wherein the mobile station is in communication with a base station via a reverse link, a method for enabling discontinuous transmission feature on the mobile station, the method comprising: terminating transmission of mobile information via a first communication resource of the reverse link in response to a trigger event; and transmitting mobile information to the base station via a second communication resource of the reverse link, the second communication resource being operable for discontinuous transmission (page 1, line 23 to page 2, line 10).

Regarding claims 2, 12-13, 20, 31-32, the Applicant's admitted prior art discloses method of claim 1, wherein controlling transmission of mobile information via a first communication resource of the reverse link in response to a trigger event comprises controlling transmission of mobile information via a first communication resource of the reverse link in response to one of a user-selectable input, a call setup of a telephone number, a busy tone associated with a dialed telephone number, and a voice input (page 1, line 27 – page 2, line 3).

Regarding claims 4, 22, the Applicant's admitted prior art discloses method of claim 1, wherein controlling transmission of mobile information via a first communication resource of the reverse link in response to a trigger event comprises terminating transmission of mobile information via a reverse fundamental channel of the reverse link in response to a trigger event (page 1, line 27 – page 2, line 3).

Regarding claims 5, 23, the Applicant's admitted prior art discloses method of claim 1, wherein controlling transmission of mobile information via a first communication resource of the reverse link in response to a trigger event comprises transferring transmission of mobile information via a first communication resource over to a second communication resource of the reverse link in response to a trigger event (e.g., transfer information from BTS to BSC).

Regarding claims 14, 33, the Applicant's admitted prior art discloses apparatus of claim 11, wherein the first communication resource comprises one of a reverse fundamental channel and a reverse traffic channel (page 1, line 23 to page 2, line 10).

Regarding claims 15, 34, the Applicant's admitted prior art discloses apparatus of claim 11, wherein the second communication resource comprises a reverse dedicated control channel (page 1, line 23 to page 2, line 10).

Regarding claims 16, 35, the Applicant's admitted prior art discloses apparatus of claim 11, wherein the mobile information comprises one of control information and traffic information (page 1, line 23 to page 2, line 10).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 9-10, 18, 25, 27-28, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Wiorek et al. (U.S. Patent No. 6,108,550).

Regarding claims 7, 25, the Applicant's admitted prior art fails to teach transmitting mobile information to the base station via a second communication resource of the reverse link comprises transmitting control information to the base station via a second communication resource of the reverse link. However, the preceding limitation is taught in Wiorek et al. (col. 5, lines 42-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have mobile station transmit control information to the base station via the reverse link as taught in Wiorek et al. to insure the signal quality of the links.

Regarding claims 9, 27, the Applicant's admitted prior art does not teach transmitting mobile information to the base station via a second communication resource of the reverse link comprises transmitting a pilot strength measurement to the base station via a reverse dedicated control channel of the reverse link. However, the preceding limitation is taught in Wiorek et al. (col. 5, lines 42-52). Therefore, it would have been obvious to one of ordinary skill in the art at

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the time the invention was made to apply the teaching of Wiorek et al. to the Applicant's admitted prior art to insure the signal quality of the links.

Regarding claims 10, 18, 28, 37, the Applicant's admitted prior art fails to teach CDMA. However, the preceding limitation is taught in Wiorek et al. (col. 5, line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use CDMA based communication system as taught in Wiorek et al. for flexibility.

9. Claims 8, 17, 26, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Yamada et al. (U.S. Patent No. 6,011,960).

Regarding claims 8, 17, 26, 36, the Applicant's admitted prior art fails to teach transmitting mobile information to the base station via a second communication resource of the reverse link comprises transmitting one of an encoded dual-tone multiple frequency (DTMF) message associated with a DTMF tone and a pilot strength measurement to the base station via a second communication resource of the reverse link. However, the preceding limitation is taught in Yamada et al. (col. 5, lines 54-65; col. 6, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have mobile station transmit one of an encoded dual-tone multiple frequency (DTMF) message associated with a DTMF tone and a pilot strength measurement to the base station via the reverse link as taught in Yamada et al. for convenience and to insure the signal quality of the links.

*Allowable Subject Matter*

10. Claims 6, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 6, 24, prior art fails to teach method of claim 1, wherein controlling transmission of mobile information via a first communication resource of the reverse link in response to a trigger event comprises transferring transmission of mobile information via a reverse fundamental channel over to a reverse dedicated control channel of the reverse link in response to a trigger event.

*Conclusion*

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*bw*

*Emmanuel L. Moise*  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**

Huy Nguyen  
04/06/05